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October 4, 2011

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E-Filed

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

231045

Re: STB Docket No. AB-6 (Sub-No. 475), BNSF Railway Company --  
Abandonment Exemption -- in Boulder County, Colorado

Dear Ms. Brown:

This is in response to the request dated September 28, 2011, by the City of Lafayette, Colorado, for issuance of a Notice of Interim Trail use ("NITU"), under the National Trails System Act, 16 U.S.C. § 1247(d), for the 1.37-mile rail line being abandoned in this proceeding.

BNSF Railway Company ("BNSF"), hereby notifies the Surface Transportation Board that BNSF does not object to the issuance of a NITU for the rail line located between mileposts 20.80 and 22.17.

If you have any questions, please call me.

Sincerely,

Karl Morell  
Of Counsel

cc: Honorable Frank Phillips, Mayor

cc: Honorable Frank Phillips, Mayor  
007 042611  
Part of  
Pur. Record

SEP 29 2011

Part of  
Public Record

231001  
City of  
**Lafayette**

Administration

September 28, 2011

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423-0001

**FILED FEE WAIVER**

SEP 29 2011

Re: STB Docket No. AB-6 (Sub-No. 475X); Burlington Northern Santa Fe Railway Abandonment Exemption in Boulder County, CO

Dear Secretary,

This request is filed on behalf of the City of Lafayette, which is a municipality interested in transportation and recreation, hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 20.80 and 22.17, in Sections 1, 2, and 12 in Range 69 E, Township 1 S.

**A. Request for Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the corridor would provide an excellent recreational trail and trail connections. In addition, conversion of the property is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete trail plan and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 from the effective date of the abandonment authorization for the same reasons as indicated above.



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Administration

**B. Request for Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C § 1247(d), and 49 CFR §1152.29, the City of Lafayette is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all applicable taxes that may be levied or assessed against the right-of-way. Pursuant to Colorado Revised Statutes, the City of Lafayette will provide liability insurance coverage for trail use along this section of railway.

The property extends from 200 feet south of railroad milepost 21 (milepost 20.78) near South Boulder Road to railroad milepost 22.17 north of Baseline Road/Colorado Highway 7, a distance of approximately 1.2 miles in Boulder County, Colorado. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 475X).

A map depicting the right-of-way is enclosed.

The City of Lafayette acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Burlington Northern Santa Fe Railway, 2500 Lou Menk Drive, 3<sup>rd</sup> Floor, Fort Worth, Texas 76131-2828, by US Mail postage pre-paid, first class, this 20<sup>th</sup> day of September, 2011.

Respectfully submitted,

Frank Phillips  
Mayor

Enclosure

Cc: Courtney Biery Estes (w/encls. - via mail)  
Susan Odom (w/encls. - via email - Susan.odom@BNSF.com)  
John Sims (w/encls. - via email - John.Sims@BNSF.com)  
Karl Morell (w/encls. - via mail)

# BNSF Rail Corridor Baseline to 120th Street

BNSF Property

N



0 500 1,000 Feet

City of Lafayette POG  
August 24, 2011